

## WSU Comments to the Eastern Washington Phase II Municipal Stormwater Permit

Washington State University appreciates the Dept. of Ecology's willingness to consider modifications to the municipal storm water permit.

WSU wants to work with Ecology to protect water quality, and will make every effort to comply with the permit requirements on a timely basis. However, it will be very difficult to do everything required by the permit during this permit cycle because of loss of staff and other resources necessitated by the budget cuts mandated by the legislature. WSU has already lost environmental and maintenance staff due to turnover and the inability to hire replacements because of the hiring freeze. We will also have to eliminate other positions in the upcoming biennium that would be doing permit work. We will wisely use the limited resources that have been provided to us. Nevertheless, we are concerned that funding and staffing levels will not be sufficient for us to comply with all parts of the municipal stormwater permit.

We have identified sections in the permit that we request be modified due to the state of the budget and staffing. These sections are detailed in bill drafting form on the following pages. We have also included comments on the pages to address our reasoning for the requested modifications.

WSU believes that these requested modifications would allow us to more effectively and efficiently utilize our limited resources, and would not materially affect water quality in the regions of the state covered by our permit.

Thank you for this opportunity to request modifications to the permit.

## WSU Comments to the Eastern Washington Phase II Municipal Stormwater Permit

### **S6. STORMWATER MANAGEMENT PROGRAM FOR SECONDARY PERMITTEES**

A. This section applies to all Secondary Permittees, whether coverage under this Permit is obtained individually or as a Co-Permittee with a City and/or Town and/or County and/or another Secondary Permittee.

1. To the extent allowable under state, federal and local law, all components are mandatory for each Secondary Permittee covered under this permit, whether covered as an individual Permittee or as a Co-Permittee.

2. Each Secondary Permittee shall develop and implement a stormwater management program (SWMP). The SWMP shall be designed to reduce the discharge of pollutants from regulated small MS4s to the maximum extent practicable and protect water quality.

3. Unless an alternate implementation schedule is established by Ecology as a condition of permit coverage, the SWMP shall be developed and implemented in accordance with the schedules contained in this section and shall be fully developed and implemented no later than 180 days before the expiration date of this Permit. Notwithstanding the schedules in this Permit, Secondary Permittees that are already implementing some or all of the required SWMP components shall continue implementation of those components.

4. Secondary Permittees may implement parts of their SWMP in accordance with the schedule for cities, towns and counties in S5, provided they have signed a memorandum of understanding or other agreement to jointly implement the activity or activities with one or more jurisdictions listed in S1.B, and submitted a copy of the agreement to Ecology.

5. Each Secondary Permittee shall prepare written documentation of the SWMP. The SWMP documentation shall be organized according to the program components in S6.D below and shall be updated ~~at least annually~~ **by the end of the permit cycle** for submittal with the Permittee's annual reports to Ecology (see *S9 Reporting and Record Keeping*). The SWMP documentation shall include:

- a. A description of each of the program components included in S6.D.1 through S6.D.6, and
- b. Any additional actions necessary to meet the requirements of applicable TMDLs pursuant to *S7 Compliance with Total Maximum Daily Load Requirements*.

#### **B. Coordination**

The SWMP shall include mechanisms to encourage coordinated stormwater-related policies, programs and projects within a watershed and interconnected MS4s. Where relevant and appropriate, the SWMP shall also include coordination among departments of the Secondary Permittee to ensure compliance with the terms of this permit.

#### **C. Legal Authority**

To the extent allowable under state law and federal law, each Secondary Permittee shall be able to demonstrate that they can operate pursuant to legal authority which authorizes or enables the Secondary Permittee to control discharges to and from municipal separate storm sewers owned or operated by the Secondary Permittee.

This legal authority, may be a combination of statutes, ordinances, permits, contracts, orders, interagency agreements, or similar instruments.

#### D. Stormwater Management Program for Secondary Permittees

The term “Secondary Permittees” means drainage, diking, flood control, or diking and drainage districts, Ports (other than the Ports of Seattle and Tacoma), public colleges and universities, and any other owners or operators of municipal separate storm sewers located within the municipalities that are listed as Permittees in S1.D. The Stormwater Management Program (SWMP) for Secondary Permittees shall include the following components:

##### 1. Public Education and Outreach

Each Secondary Permittee shall implement the following stormwater education strategies:

a. Storm drain inlets owned and operated by the Secondary Permittee that are located in maintenance yards, in parking lots, along sidewalks, and at pedestrian access points shall be **inventoried and a plan will be developed by the end of the permit cycle to** clearly and permanently labeled with the message “Dump no waste” and indicating the point of discharge as a river, lake, bay, or ground water.

i. No later than three years from the date of permit coverage, at least 50 percent of these inlets shall be labeled.

ii. No later than 180 days prior to the expiration date of this Permit, or as established as a condition of coverage by the Ecology, **substantially** all of these inlets shall be labeled.

iii. As identified during visual inspection and regular maintenance of storm drain inlets per the requirements of S6.D.3.d. and S6.D.6.a.i. below, or as otherwise reported to the Secondary Permittee, any inlet having a label that is no longer clearly visible and/or easily readable shall be re-labeled within **a reasonable amount of time. 90 days.**

b. Each year beginning no later than three years from the date of permit coverage, public ports, colleges and universities shall distribute educational information to tenants and residents on the impact of stormwater discharges on receiving waters, and steps that can be taken to reduce pollutants in stormwater runoff. Different combinations of topics shall be addressed each year, and, before the expiration date of this Permit. Where relevant, tenants and residents shall receive educational information about the following topics:

i. How stormwater runoff affects local waterbodies;

ii. Proper use and application of pesticides and fertilizers;

iii. Benefits of using well-adapted vegetation;

iv. Alternative equipment washing practices including cars and trucks that minimize pollutants in stormwater;

v. Benefits of proper vehicle maintenance and alternative transportation choices; proper handling and disposal of wastes, including the location of hazardous waste collection facilities in the area;

vi. Hazards associated with illicit connections; and

vii. Benefits of litter control and proper disposal of pet waste.

Compliance with this requirement can be achieved through participation in the local jurisdiction's public education and outreach programs.

## 2. Public Involvement and Participation

No later than 180 days before the expiration date of this Permit, or as established as a condition of coverage by Ecology, each Secondary Permittee shall:

a. Publish a public notice in the local newspaper **or electronically via a publicly available web site** and solicit public review of their SWMP.

b. Make the latest updated version of the SWMP available to the public. If the Secondary Permittee maintains a website, the SWMP shall be posted on the Secondary Permittee's website.

## 3. Illicit Discharge Detection and Elimination

Each Secondary Permittee shall:

a. From the date of permit coverage, comply with all relevant ordinances, rules, and regulations of the local jurisdiction(s) in which the Secondary Permittee is located that govern non-stormwater discharges.

b. Develop and adopt appropriate policies prohibiting illicit discharges and illegal dumping no later than one year from the date of permit coverage. Identify possible enforcement mechanisms no later than one year from the date of permit coverage; and, no later than eighteen months from the date of permit coverage, develop and implement an enforcement plan using these mechanisms to ensure compliance with illicit discharge policies. These policies shall address, at a minimum: illicit connections; non-stormwater discharges as defined below; and spilling, dumping, or otherwise improperly disposing of: hazardous materials, pet waste, and litter.

i. Non-stormwater discharges covered by another NPDES permit and discharges from emergency fire fighting activities are allowed in the MS4 in accordance with S2.

*Authorized Discharges.*

ii. The policies do not need to prohibit the following categories of non-stormwater discharges:

- Diverted stream flows;
- Rising ground waters;
- Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
  - Uncontaminated pumped ground water;
- Foundation drains;
- Air conditioning condensation;
- Irrigation water from agricultural sources that is commingled with urban stormwater;

- Springs;
- Water from crawl space pumps;
- Footing drains; and
- Flows from riparian habitats and wetlands.

iii. The policies shall prohibit the following categories of non-stormwater discharges unless the stated conditions are met:

- Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be de-chlorinated to a concentration of 0.1 ppm or less, pH-adjusted if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4;
- Discharges from lawn watering and other irrigation runoff. These discharges shall be minimized through, at a minimum, public education activities and water conservation efforts conducted by the Secondary Permittee and/or the local jurisdiction.
- Dechlorinated swimming pool discharges. The discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenated if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4.
- Street and sidewalk wash water, water used to control dust, and routine external building washdown that does not use detergents. The Secondary Permittee shall reduce these discharges through, at a minimum, public education activities and/or water conservation efforts conducted by the Secondary Permittee and/or the local jurisdiction. To avoid washing pollutants into the MS4, the Secondary Permittee shall minimize the amount of street wash and dust control water used. At active construction sites, street sweeping shall be performed prior to washing the street.
- Other non-stormwater discharges shall be in compliance with the requirements of a stormwater pollution prevention plan reviewed by the Permittee which addresses control of such discharges.

iv. The Secondary Permittee's SWMP shall, at a minimum, address each category in iii above in accordance with the conditions stated therein.

v. The SWMP shall further address any category of discharges in ii or iii above if the discharge is identified as a significant source of pollutants to waters of the State.

c. No later than 180 days before the expiration date of this Permit, or as established as a condition of coverage by the Ecology, develop a storm sewer system map showing the locations of all known storm drain outfalls, labeling the receiving waters, and delineating the areas contributing runoff to each outfall. Make the map (or completed portions of the map) available on request to Ecology and/or to other Permittees or Secondary Permittees. The preferred, but not required, format of submission will be an electronic format with fully described mapping standards. An example description is provided on Ecology's website.

d. Conduct field inspections and visually inspect for illicit discharges at all known outfalls that discharge to surface waters. Visually inspect at least one third (on average) of all known outfalls each year beginning no later than two years from the date of permit coverage. Develop procedures to identify ~~and remove~~ any illicit discharges. Keep records of inspections and follow-up activities.

e. No later than 180 days before the expiration date of this Permit, or as established as a condition of coverage by the Ecology, develop and implement a spill response plan that includes coordination with a qualified spill responder.

f. Provide staff training or coordinate with existing training efforts to educate relevant staff on proper *best management practices* for preventing spills and illicit discharges. All relevant staff shall be trained.

#### 4. Construction Site Stormwater Runoff Control

From the date of permit coverage, each Secondary Permittee shall:

a. Comply with all relevant ordinances, rules, and regulations of the local jurisdiction(s) in which the Secondary Permittee is located that govern construction phase stormwater pollution prevention measures.

b. For all construction projects under the control of the Secondary Permittee which, require a construction stormwater permit, Secondary Permittees shall ~~use capital funds allocated for the project to~~ obtain coverage under the NPDES General Permit for Stormwater Discharges Associated with *Construction Activities*, or an alternative individual NPDES permit prior to discharging construction related stormwater.

c. Coordinate with the local jurisdiction regarding projects owned and operated by other entities which discharge into the Secondary Permittee's MS4, to assist the local jurisdiction with achieving compliance with all relevant ordinances, rules, and regulations of the local jurisdiction(s).

d. Provide training or coordinate with existing training efforts to educate relevant staff in erosion and sediment control *BMPs* and requirements, or hire trained contractors to perform the work.

e. Coordinate as requested with Ecology or the local jurisdiction to provide access for inspection of construction sites or other land disturbances, which are under the control of the Secondary Permittee during the active grading and/or construction period.

#### 5. Post-Construction Stormwater Management for New Development and Redevelopment

From the date of permit coverage, each Secondary Permittee shall:

a. Comply with all relevant ordinances, rules and regulations of the local jurisdiction(s) in which the Secondary Permittee is located that govern post-construction stormwater pollution prevention measures.

b. Coordinate with the local jurisdiction regarding projects owned and operated by other entities which discharge into the Secondary Permittee's MS4, to assist the local jurisdiction with achieving compliance with all relevant ordinances, rules, and regulations of the local jurisdiction(s).

#### 6. Pollution Prevention and Good Housekeeping for Municipal Operations

Each Secondary Permittee shall:

a. ~~No later than three years from the date of permit coverage, develop and implement~~ By the end of the permit cycle, develop a municipal operation and maintenance (O&M) plan to minimize stormwater pollution from activities conducted by the Secondary Permittee. The O&M Plan shall include appropriate pollution prevention and good housekeeping procedures for all of the following operations, activities, and/or types of facilities that are present within the Secondary Permittee's boundaries.

i. Stormwater collection and conveyance system, including catch basins, stormwater sewer pipes, open channels, culverts, structural stormwater controls, and structural runoff treatment and/or flow control facilities. The O&M Plan shall address, but is not limited to: scheduled inspections and maintenance activities, including cleaning and proper disposal of waste removed from the system. Secondary Permittees shall ~~plan to~~ properly maintain stormwater collection and conveyance systems owned or operated by the Secondary Permittee and regularly inspect and maintain all structural post-construction stormwater BMPs to ensure facility function.

For facilities located in Western Washington, Secondary Permittees shall establish maintenance standards that are as protective or more protective of facility function than those specified in Chapter 4 Volume V of the 2005 *Stormwater Management Manual for Western Washington*.

For facilities located in Eastern Washington, Secondary Permittees shall establish maintenance standards that are as protective or more protective of facility function than those specified in Chapters 5, 6 and 8 of the 2004 *Stormwater Management Manual for Eastern Washington*.

Secondary Permittees shall conduct spot checks of stormwater treatment and flow control facilities following a 24 hour storm event with a 10-year or greater recurrence interval.

ii. Roads, highways, and parking lots. The O&M Plan shall address, but is not limited to: deicing, anti-icing, and snow removal practices; snow disposal areas; material (e.g. salt, sand, or other chemical) storage areas; all-season BMPs to reduce road and parking lot debris and other pollutants from entering the MS4.

iii. Vehicle fleets. The O&M Plan shall address, but is not limited to: storage, washing, and maintenance of municipal vehicle fleets; and fueling facilities.

Secondary Permittees shall conduct all vehicle and equipment washing and maintenance in a self-contained covered building or in designated wash and/or maintenance areas.

- iv. External building maintenance. The O&M Plan shall address, building exterior cleaning and maintenance including cleaning, washing, painting and other maintenance activities.
  - v. Parks and open space. The O&M Plan shall address, but is not limited to: proper application of fertilizer, pesticides, and herbicides; sediment and erosion control; BMPs for landscape maintenance and vegetation disposal; and trash management.
  - vi. Material storage areas, heavy equipment storage areas, and maintenance areas. Secondary Permittees shall develop ~~and implement~~ a Stormwater Pollution Prevention Plan to protect water quality at each of these facilities owned or operated by the Secondary Permittee and not covered under the General NPDES Permit for Stormwater Discharges Associated with *Industrial Activities* or under another NPDES permit that covers stormwater discharges associated with the activity.
  - vii. Other facilities that would reasonably be expected to discharge contaminated runoff. The O&M Plan shall address proper stormwater pollution prevention practices for each facility.
- b. From the date of coverage under this Permit, Secondary Permittees shall also have permit coverage for all facilities owned, or operated by the Secondary Permittee that are required to be covered under the General NPDES Permit for Stormwater Discharges Associated with Industrial Activities.
- c. The O&M Plan shall include sufficient documentation and records as necessary to demonstrate compliance with the O&M Plan requirements in S6.D.6.a.i through vii above.
- d. Train all employees whose construction, operations, or maintenance job functions may impact stormwater quality. The training shall address:
- i. The importance of protecting water quality,
  - ii. The requirements of this Permit,
  - iii. Operation and maintenance requirements,
  - iv. Inspection procedures,
  - v. Ways to perform their job activities to prevent or minimize impacts to water quality, and
  - vi. Procedures for reporting water quality concerns, including potential illicit discharges.



**S9. REPORTING AND RECORD KEEPING**

~~A. Only one report will be required at the end of the permit cycle of each year beginning in 2008, each Permittee shall submit an annual report. The reporting period for the first annual report will be from the effective date of this permit through December 31, 2007. The reporting period for all subsequent annual reports will be the previous calendar year.~~